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Reply to Office Action of Apr. 15,2004

REMARKS AND ARGUMENTS

The Examiner has rejected Claims 1 and 4 of the applicant's application under 35 U.S.C. 102(b) as being anticipated by Ooten US5775025. The applicant has defined the applicant's invention to more clearly define the applicant's invention patentable over Ooten US5775025.

Claims of patent number 5775025 of Ooten reads as follows:

Claim 1,

a fishing bobber comprising a tear drop shaped planar floatant material having a wide top portion, a narrow, pointed bottom portion, a front flat side, a back flat side and a small hole, adjacent the bottom portion, extending through the material from the front side to the back side;

a conical shaped weight having a hole extending from the base of the cone along the center line of the cone to and through the tip of the cone wherein the conical shaped weight hole receives the pointed end of the planar floatant material to help retain the planar floatant material to the weight; and

an attachment means for attaching the conical shaped weight to the pointed bottom

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portion of the tear drop shaped planar floatant material, the attachment means comprises a short piece of fishing line that extends through the holes in the planar floatant material and the conical shaped weight wherein a knot is used to tie the ends of the short piece of fishing line together after it has been passed through the holes to retain the weight against the pointed end of the planar floatant material.

Claims 1 and 4 of the applicant's invention are rejected under 35 U.S.C. 102(b) as being anticipated by Ooten US5775025.

The examiner rejected claim 1 as follows:

Regarding claim 1, Ooten discloses a tear drop shaped planar floatant material having a wide top, a narrow bottom (col 2, line 46) having substantially flat front and back sides (col 2, line 54), a slot 2 centered vertically adjacent the narrow bottom portion having a top notch for receiving a fishing line and a bottom notch for receiving a weight 4; the weight 4 having a front and back extension (fig 3) extending up from a conical base; the conical shaped base capable of interlocking with the bottom notch of the tear shaped floatant material (see fig 4)

Regarding claim 4, Ooten discloses the tear drop shaped material is hollow (see fig 5).

Ooten's claims of patent US5775025 as shown above describe a tear drop shaped floatant material with a small hole numeral, 2 of Fig. 1, in the bottom portion having a

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conical shaped weight, numeral 4 of Fig. 1, that is attached to the floatant material by a short piece of fishing line extending through the small hole in the floatant material and through the weight, tying the weight to the floatant material as seen in Fig. 1 and 2 of the drawings of patent 5775025.

The problem with this design is that it is difficult to tie the weight to the floatant material and once tied to the floatant material the weight is not removable from the floatant body, without being cut off, as is the applicant's invention of a Removable and Interchangeable Limited Resistance Dive-Action Bait-Navigating Fishing Bobber.

The floatant material of patent 5775025 has a small hole, numeral 2 of Fig. 1 of patent 5777025, in the bottom portion. The applicant's invention does not have a small hole in the bottom portion of the floatant material. A slot with two notches numeral 3 of Fig. 1 of the applicant's drawings, as described in claim 1 of the applicant's invention, allows a weight having ear extensions with a bar for attaching, numeral 7 of Fig. 1 of the applicant's drawings, into the slot allowing the weight to attach to the floatant material by simply pushing the weight up into the notched slot in floatant material and pulling the weight out of the notched slot to remove the weight as described in the applicant's specifications and as seen in Fig. 1 and 2 of the applicant's drawings. The top notch allows a hole to be formed for attaching to the fishing line when the top portion of the ear extension of the weight of the applicant's invention is pushed into position as seen in the

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applicant's drawing numeral 15 of Fig. 2. The unique design of the applicant's invention allows the weight to be removable from the floatant material and removable from the fishing line allowing the fisherman to quickly change weight size on a particular floatant body or change the color or style of the floatant body providing a diving fishing bobber that is interchangeable and makes the chances of catching fish substantially better.

Ooten's invention of patent 5775025 is not removable from the fishing line and does not have an interchangeable weight and body as does the applicant's invention. Ooten's weight of patent 5775025 must be tied with a piece of line to the floatant body and cut in order to remove the weight, unlike the weight design of the applicant's invention that simply snaps into the floatant body locking into place making the applicant's invention substantially easier to remove from the fishing line and affording the fisherman a new and substantially more useful tool wherein the floatant body and weight are removable and interchangeable allowing the fisherman to change body color, or style or change weight size. Ooten's patent 5775025 makes no mention of the possibility or ability to make the fishing bobber of patent 5775025 removable from the fishing line or the ability to make the floatant material or body interchangeable with different weights. The novel design of the applicant's invention affording new and unexpected results providing a substantially more diverse and easier way to fish was unknown and unobvious to Ooten 5775025 and prior art.

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Ooten's patent 5775025 makes no mention of the possibility of making the bobber of patent 5775025 hollow. Though prior art is old and known to have hollow fishing bobbers it has never been implemented or discussed as a possibility in Ooten's patent 5775025 or in diving fishing bobbers. The possibility of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber that is hollow having the novel design of the applicant's invention is unobvious in prior art. The applicant's invention allows for a hollow bobber that can receive a noise making apparatus as discussed in the applicant's specifications. The advantage of a hollow bobber that is removable and interchangeable with the ability to dive was unknown in Ooten 5775025 and in prior art.

The applicant respectfully request withdrawal of the examiners rejection of Claims 1 and 4 in view of the arguments made herein.

The examiner has rejected Claims 2 and 5 under 35 U.S.C. 103 (a) as being unpatentable over Ooten in view of Seay US 6550179.

The examiner states as follows:

Regarding claim 2, Ooten discloses the tear drop shaped floatant 1.

Ooten does not disclose a fin extending radially and vertically in the proximate center of the top portion of the front side and a fin extending radially and vertically on the back side of the floatant shaped material.

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Seay discloses fins 36 extending radially and vertically from the front and rear sides of the floatant shaped material 24, 28.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Seay to the invention of Ooten, as the fins would improve the bobber's movement through the water, which is disclosed by Ooten as one of the main features of the invention of Ooten.

Ooten US5775025 discloses a tear drop shaped floatant material having a small hole located in the bottom portion of the floatant material that allows a conical shaped weight to be tied to the bottom portion of the floatant material. Ooten's weight of US5775025 is not removable from the floatant material as is the applicant's invention of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber. The applicant's invention has a slot with two notches that allow the weight to be removable and allows the fisherman to quickly remove the bobber from the fishing line and change weights or bodies providing a substantially more desirable product for fishing and attracting fish than is that of Ooten's US5775025. Ooten's US5775025 must be cut from the fishing line in order to change bobbers. Different weights can not be used without cutting the line that holds the weight to the floatant material making it difficult to change weights.

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OotenUS5775025 does not disclose a fin and makes no mention of the need or possibility of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber having fins as does the applicant's invention.

Seay's US6550179 wedge shaped bobber discloses two side surfaces numeral 34 of Fig.2 of Seay's drawings, having extended lateral fins numeral 36 of Fig.2. Seay's fins extend laterally from the sides of Seay's wedge shaped bobber. The applicant's fins are perpendicular to the front surface and perpendicular to the back surface as seen in Fig. 5 of the applicant's drawings. Seay's fins being located laterally from side to side provide a balance to the body when the bobber is pulled forward by the fisherman allowing the metal ball located within the body of the bobber, numeral 72 of Fig.4 of Seay's drawings, to force the rocker arm numeral 50 to pivot forward forcing the magnetic catch tip numeral 62 to lock into catch receiver numeral 60 that locks the bobber at a desired position on the fishing line. A slight tug upward releases the line in the bobber allowing the bait to be fished at certain depths. Though Seay's fins may stabilize the float when casting or pulled under the water by the fish, Seay's fins are not used for stabilizing a controlled diving action as does the applicant's fins of the applicant's invention.

Seay's invention is not a diving fishing bobber as is the applicant's invention. The applicant's invention of a removable and interchangeable limited resistance dive-action

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bait-navigating fishing bobber with fins allows for more stable casting and diving. The applicant's invention provides the fisherman with a removable and interchangeable diving fishing bobber that allows the fisherman to dive the bobber through the return action of the fishing line to the fisherman. The applicant's invention provides the fisherman with a controlled action up and down through the water as discussed in the applicant's specification. The applicant's invention without fins provides a somewhat motion resistant bobber as mentioned in the applicant's specifications. The applicant's invention with fins, provide the applicant's invention with a more stabilized controlled action while casting and diving. Seay makes no mention as to the benefits of the stabilizing effects of fins or the possibility of applying fins to a diving fishing bobber that is removable as described by the applicant's invention. Though it is old knowledge as to the stabilizing effects of fins, prior art makes no mention of the advantage, need for, ability or desire to apply fins to a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber. The combination of fins and diving fishing bobbers has never been applied in prior art. There is a need for a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber with fins that is unobvious to prior art.

The examiner states as follows:

Regarding claim 5, Ooten discloses the tear shaped floatant material.

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Ooten does not disclose beads.

Seay discloses a bead 72.

Ooten US5775025 describes a tear drop shaped floatant material weighted to float upright in a body of water capable of diving and navigating a baited fishing line. Ooten makes no mention of the possibility or advantage of adding beads or the like to achieve a noise making ability to attract fish as does the applicant's invention of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber. Ooten's invention of US5775025 is not removable and interchangeable from the fishing line as is that of the applicant's invention.

Seay's US6550179 discloses a wedge shaped bobber with lateral fins containing a means to maneuver the fishing line through the bobber allowing the bait to be fished at a desired depth in the water by pulling the bobber forward to lock the bobber on the line at a specific point or lifting the line up slightly releasing the bobber on the fishing line letting the line slide with the bait to a deeper level in the water. The metal ball or bead of Seay's invention moves back and forth in a channel inside the bobber that allows the fisherman to lock the bobber on the fishing line at different locations as seen in Seay's drawings, numeral 72 of Fig. 4. Seay's invention is to provide a fishing bobber with an inner release mechanism to allow for adjustment of the fishing line to different depths in

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the water without having to bring in the fishing line. Though the metal ball in Seay's bobber may cause noise it would be a minimal noise making apparatus. Seay makes no mention of the desire to cause noise or the use of multiple beads for noise making as does the applicant's invention. The applicant's invention as seen in numeral 18 of Fig.3, shows multiple beads within the hollow body that can cause sufficient noise to the applicant's invention. Seay's bobber is not a diving fishing bobber, as is that of Ooten's US5775025 or the applicant's invention of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber. Ooten's US5775025 and Seay's US6550179 make no mention of the advantage, need for, ability or desire to add beads for noise to the inventions as does the applicant's invention. Though adding rattle noise to fishing apparatuses is old and well known the combination has never been made to a diving fishing bobber especially to a diving fishing bobber that is removable and interchangeable as is the applicant's invention. The advantage of adding noise to a diving bobber that is removable and interchangeable was unobvious and never implemented.

The removable and interchangeable diving fishing bobber of the applicant's invention having fins and, or, beads for making noise, provide a new and substantially improved product for fishing that makes the fisherman's chance of catching fish substantially better.

The applicant has redefined the invention to be patentable over Ooten in view of Seay.

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The applicant respectfully request withdrawal of the examiner's objections to claim 2 and 5.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ooten in view of Christensen US5243780.

The examiner states as follows:

Regarding claim 3, Ooten discloses the tear drop shaped floatant material.

Ooten does not disclose a chamber for receiving a luminescent device or light stick.

Christensen discloses a luminescent device 36 and a method of holding it within the floatation device 14.

Ooten's US5775025 describes a tear drop shaped floatant material weighted to float upright in a body of water capable of diving and navigating a baited fishing line. Ooten does not disclose a chamber for receiving a luminescent light device and makes no mention of the desire or possibility of doing so. Ooten's US5775025 is not removable and interchangeable from the fishing line as is the bobber of the applicant's invention.

Christensen US5243780 discloses a luminescent device, numeral 36 of Fig. 5, of Christensen's drawings that is attached to the upper end of center stem numeral 12, via tube, numeral 30. Christensen's fishing float is not a removable and interchangeable fishing bobber designed to dive and navigate a baited fishing line as is that of the

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applicant's invention. Christensen's fishing float is designed to float visibly and has a line retention system that allows switching between a slip mode and stationary mode.

Christensen's adaptation of a luminescent device is designed to provide light during night use. The applicant's invention of a removable and interchangeable diving fishing bobber having a tear drop shaped floatant body containing a chamber for receiving a luminescent light provides a new and unobvious method of fishing to diving fishing bobbers.

Christensen makes no mention of the possibility or desire of a removable and interchangeable lighted diving fishing bobber. Though adapting luminescent light to fishing apparatuses is old and well known for attracting fish as mentioned in the applicant's specification, prior art makes no mention of the desire or possibility of combining luminescent light to a removable and interchangeable diving fishing bobber as does that of the applicant's invention of a removable and interchangeable limited resistant dive-action bait-navigating fishing bobber. The advantages of diving a lighted fishing bobber up and down through the water for attracting fish is a substantial improvement to diving fishing bobbers. Ooten's 5775025 makes no mention as to the advantage or desire or possibility of adding luminescent light. The combination of luminescent light to removable and interchangeable diving fishing bobber that dives is unobvious and has never been made. There is a need for a diving fishing bobber that is removable and interchangeable that provides luminescent light when diving to attract substantially more fish.

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The applicant has redefined the invention to be patentable over Ooten in view of Christensen.

The applicant respectfully requests the withdrawal of the examiners objections to claim 3.

The applicant will discuss prior art considered pertinent to the applicant's disclosure.

Rubbelke US4845885, discloses a bobber that is comprised of two plastic shells that accommodate a weight in the form of a steel washer, which causes the bobber to assume a horizontal position when resting on the water's surface and will allow the bobber to tilt quickly into a vertical position after the fish has seized the hook. When the fish is just nibbling on the bait the bobber angles itself, while still horizontal, in a direction determined by only a slight breeze that alerts the fisherman that a fish is about to bite. Rubbelke's bobber is a bulb shape with a stem on the top portion that shifts from a horizontal position to a vertical position when pulled by the fish as seen in Fig. 3 of Rubbelke's drawing. Rubbelke's invention is not designed to dive, as is that of the applicant's invention of a removable and interchangeable limited resistant dive-action bait-navigating fishing bobber. Though Rubbelke's weighted bobber can be placed on the line at a desired length from the bait allowing the fisherman to fish the bait at different

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depths, the fisherman cannot interchange the floatant body with the weight or dive and navigate a baited fishing line up and down through the water in a controlled manner that attracts substantially more fish to the bait as does the applicant's invention. The applicant's invention is a removable and interchangeable substantially flat tear drop shaped floatant material that has a removable weight that allows the fisherman to easily remove the bobber from the fishing line, allowing the fisherman the choice of style body, color, or weight for fishing under different circumstances in the effort to better attract fish. The problem with Rubbelke's bobber is that the fisherman is limited to a surface floating bobber. The applicant's invention being removable and interchangeable allows considerably more choice and allows the fisherman to float or dive the removable and interchangeable bobber to seek out fish at different levels in the water. Rubbelke makes no mention of the possibility of or desire for a removable and interchangeable bobber that has the ability to dive and navigate a baited fishing line as does that of the applicant's invention. The advantage of the applicant's invention is unobvious in prior art.

Dorman GB2125263A is a fishing float designed with interchangeable parts and a removable weight for casting and fishing under certain conditions. Dorman's invention has the ability to change body parts to increase weight or reduce air-resistance. Though Dorman's invention is an improvement over conventional floats, Dorman's float is intended for surface floating and is not a removable and interchangeable fishing bobber

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with the ability to dive and seek out fish in the manner described in the applicant's invention. Though Dorman's invention is a good float offering some advantage over traditional floats, Dorman's invention doesn't speak to the advantages of a removable and interchangeable bobber or float allowing the choice to float the surface or dive to seek out the fish offering a substantially better chance to find and catch fish as does that of the applicant's invention of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber. The ability to change bodies and weights and dive and navigate a chosen style or color or weight provides a broad unique new way to fish that substantially improves the fisherman's chance to catch fish. The advantage of the applicant's invention is unobvious in prior art.

Schaumburg DE3501553A1, describes a float body that has a plumb rod that projects above and below the float body with a guide means for guiding and retaining the fishing line on the float as seen in Fig.1 of the drawings. Fig. 2 of the drawings shows a slit-shaped recess in the inverted tear shaped bulb type body that extends from its peripheral surface to at least the approximate vicinity of the axel of the plumb rod. A guide eyelet holds the fishing line at the approximate center of gravity of the fishing float. The Line is guided down the plumb rod portion below the float body as seen in Fig. 1 of the drawings, holding the bait directly below the float at the desired distance on the fishing line. The slot allows the float to maintain an upright position above the water wherein the

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line to the fisherman will not pull the top portion of the float body. Schaumburg's float is not designed to be removable and interchangeable and dive and does not offer the variety of fishing methods as does the removable and interchangeable limited resistance dive-action bait-navigating fishing bobber of the applicant's invention. Schaumburg's float is a bulb shape, the applicant's bobber is a substantially flat weighted body that provides a limited resistance to the water when pulled under by the fish or when dived by the fisherman. Schaumburg makes no mention of the importance of diving or the desire, or possibility to dive a float or bobber with a removable interchangeable weight in a controlled manner such as that of the applicant's invention. The ability to dive and navigate a fishing bobber that allow the fisherman to interchange bodies and weights for attracting and finding fish provides a new and substantially better way to catch fish. The combination of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber is unobvious and has never been implemented or discussed in prior art.

Persing US798620 describes a fishing bob or float that can be readily applied to the fishing line at any place desired without the necessity of threading the line at one end through the same, the device being as readily detachable and yet when in place being entirely secure on the fishing line. Though Persing's bob allows the fisherman to fish different depths, Persing's bobber is not a removable and interchangeable fishing bobber

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capable of diving allowing the fisherman the choice of floating visibly at the surface or diving with the bait to seek out fish. A problem with Persing's bobber is the bulb shape that causes the bobber to resist the water when pull by the fish. The fish senses the resistance and will shy away from the bait or release the bait before the fish is hooked. The applicant's removable and interchangeable limited resistance dive-action bait-navigating fishing bobber of a substantially flat inverted tear drop shaped weighted body allows the applicant's bobber to pierce the water much like an arrow giving a limited resistance when diving or when pulled by the fish allowing the fish to take the bobber with the bait making chances of catching the fish substantially better. The removable and interchangeable body of the applicant's invention allows the fisherman choice of color, style, or weight to attract fish under different circumstances providing a new and more diverse product for fishing to the fisherman.

Though Persing's invention is removable, Persing's bob can not dive. Persing makes no mention of the possibility of, or desire for a removable and interchangeable limited resistant dive-action bait-navigating fishing bobber as described in the applicant's invention. The novel design and advantages of the applicant's invention are unobvious in prior art.

Bondhus US3744176 describes a casting bubble constructed in a manner so that it may

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be frictionally clamped to the line at a desired distance from the bait serving as a float with the bait supported at a desired depth or mounted on the line for free sliding. The interior shell may be fill partially with water, the bubble still remaining buoyant for fishing different levels in the water. Bondhus's bubble is not designed to be removable and interchangeable for the purpose of attracting fish and can not dive up an down through the water allowing the fisherman the choice of fishing the top or quickly diving to a desired depth and back to the surface in the same controlled action as does the applicant's invention of a removable and interchangeable limited resistant dive-action bait-navigating fishing bobber. The applicant's invention of a removable weight and body that are interchangeable allows the fisherman the option to change color, style body or size of weight, providing the fisherman with a bobber that is capable of diving to any desired depth in the water in a controlled manner through the return action of the fishing line to the fisherman, thus providing the fisherman with a substantially better chance to catch fish. Bondhus makes no mention of the possibility of or desire for a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber. The advantages of the novel design of the applicant's invention are unobvious in prior art.

Shotton US2741864 is a casting float and bait plug that is designed to be quickly converted from a casting float with positive buoyancy, to a submerged bait plug having

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negative buoyancy. The combined float and bait plug is a substantially egg-shaped hollow container. The container can be painted with luminescent paint to attract fish and contain beads for making noise to attract fish. A hole with a screw for closure is provided in the float as seen in Fig. 1 numeral 19 of Shotton's drawings. Water may be entered into the body of the float by removing the screw and submerging the float in water filling the body with the desired amount water that allows the bobber to submerge and float at a desired level below the surface of the water. A problem with this design is the small screw can be easily lost and would render the bobber useless. Another problem with this design is that you can only float at one particular level at a time. In order to change positions in the water Shotton's bobber must be retrieved by the fisherman and manually changed by adding or draining water to fish different levels in the water. The applicant's invention of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber provides the fisherman with a bobber that is removable and interchangeable allowing the fisherman to change color or style body or weight size for fishing different circumstances and attracting more fish also providing the fisherman with the ability to float at the surface or dive the baited fishing line to different levels in the water in a single return action to the fisherman providing a substantially easier method to fish. Shotton's egg shaped bobber is substantially more resistant to the water than is the removable and interchangeable weighted inverted tear drop shaped bobber of the

applicant's invention. The limited resistance of the substantially flat bobber of the applicant's invention allows the fish to take the bobber with the bait without detecting the bobber making chances of the fish to let the bait go substantially less. Shotton's bobber can not dive and navigated a baited fishing line in a controlled manner up and down through the water as does the applicant's invention, making chances of finding and catching fish substantially better. The novel design of the applicant's removable weight allows the bobber body to be interchangeable with other bodies and weights. Shotton's weight is contained within the bottom portion of the float and is not removable from the weight. Shotton makes no mention of the desire or possibility of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber. The advantages provided in the applicant's combination of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber are unobvious in the prior art.

Conclusion

The novel design of a removable and interchangeable limited resistance dive-action bait-navigating fishing bobber of the applicant's invention provides surprising results and a significant improvement to fishing bobbers and floats, especially diving fishing bobbers, providing the fisherman a substantially more useful product for improving the

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chances of catching fish that is unobvious in prior art. Prior art makes no mention of the advantage or desire to combine prior art in the manner and for the purpose as described in the applicant's invention and no such combination has ever been implemented.

The applicant respectfully requests withdrawal of all objections.

The applicant submits that the specification and claims have been more clearly defined over prior art and are in proper order, and that the claims all define patentably over the prior art. Therefore the applicant submits that this application is now in condition for allowance, which action the applicant respectfully solicits.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Conditional Request For Constructive Assistance

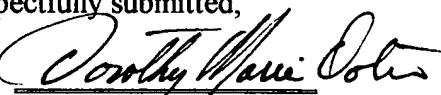
The applicant has better defined the specification and claims of this application so they are proper, definite, and define novel structure, which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P.s706.03(d) and s 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

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The applicant further request if necessary that the Examiner write one claim in order to make this application allowable.

Respectfully submitted,

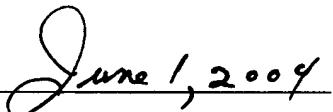
By


Dorothy Marie Ooten
Tel.: (513-734-4813)

Dorothy Marie Ooten Applicant
2271 Bethel Hygiene Rd.
Bethel, Ohio 45106
(513) 734-4813

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Date


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Dorothy Marie Ooten
Dorothy Marie Ooten, Applicant